

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

**Kolando Legrand, # 281476,**

Plaintiff,

v.

**Penelope Owens, Officer;  
Keith Gordon, Officer;  
Maurice Landy, Officer;  
Connie Miller, Grievance Officer;  
and Linda Sanders, Disciplinary  
Hearing Officer,**  
Defendants.

C/A 8:04-23185-CMC-BHH

**OPINION AND ORDER**

This action was brought by a state prisoner, proceeding *pro se*, seeking relief pursuant to 42 U.S.C. § 1983. Defendants Gordon and Miller filed a motion to dismiss on February 4, 2005, and Defendant Sanders filed a motion to dismiss on June 8, 2005. The court advised Plaintiff of the summary dismissal procedure and the possible consequences if he failed to respond adequately. On July 14, 2005, Plaintiff filed a motion for voluntary dismissal without prejudice.

In accordance with this court's order of reference and 28 U.S.C. § 636(b), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Bruce H. Hendricks.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, \_\_\_ F.3d \_\_\_, 2005 WL 1713188, at \*3 (4th Cir. 2005) (stating that “in the absence

of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Based on her review of the record, the Magistrate Judge has recommended that Plaintiff’s motion be granted and this action be dismissed without prejudice. The parties have filed no objections and the time for doing so has expired.

After reviewing the complaint, the motions, the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error and agrees with the recommendation of the Magistrate Judge. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

Therefore, Plaintiff’s motion is **GRANTED** and this action is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
August 26, 2005